



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 11, 2012

Mr. R. Brooks Moore
Managing Counsel, Governance
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2012-16297

Dear Mr. Moore:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 470011 (TEES12-018).

The Texas Engineering Experiment Station of the Texas A&M University System (the "system") received a request for three categories of information pertaining to the system's purchase and use of aerial drones. You state the system will release some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. You also state the submitted information may implicate the proprietary interests of Vanguard Defense Industries, L.L.C. ("Vanguard"). Accordingly, you inform us you notified Vanguard of the request and of the company's right to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances). We have received comments from an attorney for Vanguard. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

¹We assume the "representative sample" of information submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

In summary, the system must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 51.914 of the Education Code. The system must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/bhf

Ref: ID# 470011

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Vanguard Defense Industries
C/O Mr. David Thaxton
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Spring, Texas 77373
(w/o enclosures)